

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: §
Quinn, Liam B. et al § Confirmation No.: 2497
Serial No. 09/768,072 § Group Art Unit: 2618
Filed: January 23, 2001 § Examiner: Lu, Zhiyu
For: WIRELESS ANTENNA §
SWITCHING SYSTEM §

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(F)

Applicants, by the attorney of record, hereby petition the Commissioner to withdraw the holding of abandonment in the above-identified application. For the following reasons, Applicants respectfully request withdrawal of the holding of abandonment as the abandonment was in error by the United States Patent Office.

A Notice of Abandonment of the above-identified Application was mailed on June 14, 2012, by the U.S. Patent and Trademark Office. A copy of the Notice of Abandonment is attached as Exhibit A. The Notice of Abandonment states that the Application was abandoned in view of "the period for seeking court review of the decision has expired and there are no allowed claims". The undersigned submits to the Commissioner the following:

STATEMENT OF FACTS

- On March 19, 2007, Applicants filed a Reply Brief.
- On May 9, 2012, a Decision on Appeal was issued by the United States Patent and Trademark Office.
- On June 14, 2012, a Notice of Abandonment was issued by the United States Patent and Trademark Office.

Upon receipt of the Notice of Abandonment, the undersigned telephoned the Examiner to clarify status of application. The Examiner confirmed his error in issuance of the Notice of Abandonment as the Decision on Appeal provided a shortened two-month period for reply, and thus, the deadline for response was July 9, 2012, not May 9, 2012.

Accompanying this Petition is a Request for Continued Examination and Amendment with the appropriate fee.

Applicants respectfully request that the subject Petition be granted and that the application be allowed to proceed with examination.

No additional fees are believed to be required, however, in the event that a fee is due, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Respectfully submitted,

Joseph R. Mencher
Registration No. 56,822

Date: 7/9/12
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue, Suite 2300
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Direct Telephone: 512-867-8459
IP Facsimile: 214-200-0853

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence and any attachments are being transmitted via the Electronic Filing System (EFS) Web with the United States Patent and Trademark Office on

July 9, 2012.

Krista Myrick
Krista Myrick

Attachment A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JUN 18 2012

HAYNES AND BOONE, LLP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,072	01/23/2001	Liam B. Quinn	M-9137 US	2497
27683	7590	06/14/2012	EXAMINER	
HAYNES AND BOONE, LLP				LU, ZHIYU
IP Section		ART UNIT		PAPER NUMBER
2323 Victory Avenue		2618		
Suite 700		MAIL DATE		DELIVERY MODE
Dallas, TX 75219		06/14/2012		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)
	09/768,072	QUINN ET AL.
	Examiner ZHIYU LU	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on 09 May 2012 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

	/Zhiyu Lu/ Primary Examiner, Art Unit 2618
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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.